

MINUTES

CITY COUNCIL MEETING

AUGUST 12, 2003

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:34 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR RAUCH.

PLEDGE OF ALLEGIANCE

MAYOR RAUCH led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Mitchell, Rauch, Seamans, Zuckerman

City Council Member Absent: Addleman

City Staff Present: Acting City Manager Sam Wise

Deputy City Attorney Stephen Pfahler

Planning Director David Wahba

Community Services Director Andy Clark

Finance Director Jud Norrell

Administrative Analyst Greg Grammer

Others Present: Lou Persichina, Park and Activities Commission

Frank Zerunyan, Planning Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF JULY 22, 2003

COUNCILWOMAN SEAMANS requested a correction on Page 10, Paragraph 7:

".....She noted her extensive experience on this issue and felt this was the least of the view impairments as only ~~corner~~ minor secondary views seem to be impacted....."

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE CITY COUNCIL MINUTES OF JULY 22, 2003 AS AMENDED.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

B. DEMANDS AND WARRANTS – MONTHS OF JULY AND AUGUST

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE WARRANTS 34065 THROUGH 34160 IN THE AMOUNT OF \$202,687.64; SUPPLEMENTAL WARRANTS 070301 THROUGH 070303; 33873 THROUGH 33886; 33952 THROUGH 33967; 34045 THROUGH 34056 IN THE AMOUNT OF \$458,712.41 FOR A GRAND TOTAL AMOUNT OF \$661,400.05 WITH PROPER AUDIT.

AYES: Mitchell, Rauch, Seamans, Zuckerman

ABSENT: Addleman

CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE ITEMS A-C.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED JULY 25, 2003

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED AUGUST 1, 2003

RECEIVED AND FILED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

NONE

NEW BUSINESS (Taken out of order)

E. DEEP VALLEY DRIVE MASTER PLAN (PA-21-03)

Recommendation: That the City Council review the presentation from the Master Plan consultant.

Planning Director Wahba provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS noted that she served on the subcommittee, along with MAYOR PRO TEM MITCHELL. She then provided an update on Stefanos Polyzoides' conception of how the Deep Valley area would look noting that this firm is renowned in their field. MAYOR PRO TEM MITCHELL emphasized that this is a long-term plan which would take place over many years. Additionally, she stated that this is private property and would only be undertaken by those property owners in the commercial district.

Mr. Polyzoides provided an extensive presentation illustrating his ambitious plan to overhaul the commercial district with more of a "village" and "pedestrian-friendly" atmosphere over the next 20-30 years.

COUNCILMAN ZUCKERMAN noted that this project would need a great deal of cooperation from private property owners and that some of those owners may not feel it is in their best interests to change existing uses to conform to this plan.

Mr. Polyzoides explained that these uses would not change the description of the commercial district in the General Plan. He then noted that the large part of the proposal is mixed use which would allow a combination of shopping and housing. He noted that the subject area has some significant shopping

centers which are a vital part of the community.

Patrick Killen, Planning Commissioner, noted he served on the subcommittee as well. He noted that he is an architect and that this would provide a great opportunity for the City to create a new vision for downtown. He stated that a commercial district should engage the pedestrian with tighter streets and shops facing the street. He noted that although this is a great deal of information, he believed this could be attainable.

MAYOR RAUCH inquired if buildings would be torn down and constantly be a work in progress. Mr. Killen noted that this would occur over an extensive period of time.

Discussion continued regarding parking issues with Mr. Polyzoides citing the City of Pasadena as a good example of parking in a densely populated area.

Judith Bayer, Planning Commissioner, also served on the subcommittee and has lived in the City over 38 years and concurred with Planning Commissioner Killen's comments. She hoped to move this project forward with strong community support.

MAYOR PRO TEM MITCHELL noted that the entire subcommittee embraced the concept being presented and that the commercial district is at a point where some properties are in need of "recycling." She noted that buildings on Silver Spur Road may be included in the Master Plan as well.

Discussion continued with regards to developer incentives, specific guidelines and entitlements. COUNCILWOMAN SEAMANS stated that entitlements would be very attractive to developers and those wishing to invest in the community and would actually simplify the process. She noted that the three proposed projects coming to the City could be the beginning.

Wayne Sant, Sunrise Senior Living, noted they have an existing project located on the former Peninsula Carwash site. He inquired as to what happens to his project under this proposed specific plan.

COUNCILWOMAN SEAMANS noted that the COUNCIL will meet with the Planning Commission to discuss these issues. She reiterated that they are attempting to provide an inviting place to live and work allowing flexibility for the envisioned village.

COUNCILMAN ZUCKERMAN commented that, while this proposal would take a significant amount of time unless a moratorium is in place on this issue, there are presently three projects the COUNCIL must consider. He noted that while an applicant's project is in place, the issue would be the actual use that may not be allowed under the Zoning Code, along with CEQA review. Planning Director Wahba noted that staff and the City Attorney have been attempting to determine what entitlements may be required for Sunrise as they do not consider themselves a residential use, but rather commercial.

COUNCILMAN ZUCKERMAN noted his concern with a project that might be held back because of a proposed long-term plan. He noted that the challenge of the village concept occurs because private property rights need to be considered. Additionally, he noted that the property owners need to know whether their project would fit within the area.

Planning Director Wahba noted that COUNCIL may wish to entertain possible variances for upcoming projects.

COUNCILWOMAN SEAMANS mentioned that the proposed assisted-living project is being reviewed to see how it might fit in the commercial district.

Greg Brown, representing the former McDonald's site, inquired as to the economic incentive concept as redevelopment costs could be exorbitant. He noted their project's proposal to have a retail center, but it might be difficult to lease if they cannot attract retailers. He believed it was a great idea in concept, but economically a certain rate of return would be needed to even consider a project to be an investment.

COUNCILMAN ZUCKERMAN noted he would encourage Mr. Brown to have their application processed in a timely manner as he did not think this should be held back.

MAYOR PRO TEM MITCHELL noted that these issues will be discussed at the joint COUNCIL and Planning Commission meeting.

Mr. Sant stated that his project is an integral link to the community as it is one of the commercial district's entryways.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO DEFER DISCUSSION TO THE JOINT CITY COUNCIL/PLANNING COMMISSION MEETING ON SEPTEMBER 15, 2003.

AYES: Mitchell, Rauch, Seamans, Zuckerman

ABSENT: Addleman

At 9:07 p.m., MAYOR RAUCH called for a brief recess.

At 9:19 p.m., the CITY COUNCIL reconvened with MAYOR RAUCH, MAYOR PRO TEM MITCHELL, COUNCILWOMAN SEAMANS and COUNCILMAN ZUCKERMAN present.

PUBLIC HEARINGS/MEETINGS

A. CONTINUED PUBLIC HEARING - PLANNING APPLICATION NO. 29-01; APPLICANT: ROLLING HILLS COVENANT CHURCH (RHCC); LOCATION: 2221 AND 2222 PALOS VERDES DRIVE NORTH

Recommendation: That the City Council: 1) Take public testimony specific to the proposed mediation process; 2) Discuss the issues; 3) Close the public hearing; and 4) Direct the City Manager to enter into an agreement with MIG for professional mediation services for the Rolling Hills Covenant Church project.

Planning Director Wahba provided a staff report (as per agenda material). He noted that there are a number of points in the agreement that MIG would like to have modified which will be reviewed by the City Attorney.

COUNCILMAN ZUCKERMAN reported he and MAYOR PRO TEM MITCHELL met with prospective mediator applicants.

Brief discussion took place regarding how the mediation process will begin, i.e., name and number of representatives, who will be working in this group.

COUNCILMAN ZUCKERMAN noted that the firm suggested, MIG, is extremely experienced in this field.

MAYOR PRO TEM MITCHELL reiterated that this group is outstanding and offers a unique combination of skills needed in this type of format. She noted that the subcommittee unanimously recommended MIG.

COUNCILWOMAN SEAMANS noted her concern with correspondence from the MWD regarding leases of the parcels and wanted everyone to be aware of what is on the table.

Vergil Best, Applicant, referred to that letter and stated the Church does have the right to build on these leased properties. He thanked the COUNCIL for the time devoted to this project, particularly in the mediation efforts.

Discussion took place regarding clarification of the length of time the mediation process would take.

Vergil Best, Applicant, stated that they are not interested in participating in this process for another year as the agreement shows an expiration date of December, 2004. He then stated they would go back to their original proposal and would be willing to work any length of time to bring this case to closure. He noted his understanding of the following points: 1) COUNCIL would place this application on "fast track;" 2) Mediation period would begin 45 days from July 22; 3) Their desire to have all COUNCIL MEMBERS present in the workshops; 4) Limit the amount of participants; and 5) Requested that the federal law regarding religious institutions be examined.

City Attorney Phahler emphasized that the all issues pertaining to religious rights would be considered according to law. It was reiterated that MIG will comply with all applicable laws.

Craig Huey, Peninsula Residents for a Better Community, commented on his concerns mentioned at the last COUNCIL meeting regarding cost and time. He noted his concern with how long this process will take as well and that the COUNCIL'S involvement is essential to this process.

Carl Lundgren, briefly remarked that the Peninsula Residents for a Better Community represents at least 300 members. He noted that the Church has a constitutional right to expand, but wanted to make sure that a balance is provided at the workshop.

Bridget Carman, 2225 Carriage Drive, also thanked the COUNCIL for their attention to this project. She noted one of her concerns regarding this process is that the City may engage in working outside the public process without comments being accepted. She noted she was extremely concerned regarding Mr. Best's comment stating they would submit their "original" proposal as this project has already disenfranchised many residents.

Ron Knoll, 17 Montecillo Drive, noted he concurred with both speakers' comments, but was concerned regarding the amount of funds spent on these mediation efforts and why the City is retaining a firm from "outside." He expressed his disappointment that the COUNCIL would not make a decision on this project.

Roy Campbell, suggested some modifications to the agreement. He noted that various items throughout the staff report should be reviewed by the City Attorney and staff. He informed the City of his interest to serve as a stakeholder in the workshop.

COUNCILMAN ZUCKERMAN clarified several issues for Mr. Campbell and stated that additional public hearings will be held in the future.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

COUNCILWOMAN SEAMANS inquired if the scope of project would actually go back to the original application as suggested by Mr. Best previously. City Attorney Phahler indicated this would not be considered as the present application as it now stands would move forward for discussion.

COUNCILWOMAN SEAMANS then stated that there are legal issues that need to be interpreted as to underlying zoning of the land and the leased land regarding structures.

Discussion continued with MAYOR PRO TEM MITCHELL pointing out that mediation is being used as a tool to provide flexibility in order to promote discussion. She noted that when policy issues arise in the course of mediation, those items would be addressed by the COUNCIL. COUNCILMAN ZUCKERMAN noted there could be a full range of policy issues and that a determination would be made as to what the key issues are and that the COUNCIL would then make the appropriate decisions.

MAYOR PRO TEM MITCHELL noted they will be aware of what the facts are in regards to structures on MWD property as it appears on the plans.

MAYOR PRO TEM MITCHELL recommended the following amendment under "Scope of Services Task

1.2" ".....input from key stakeholders about their positions on particular *policy* issues." Additionally, it was noted that the stakeholders would be finalized following the mediator's interviews with their respective groups.

It was noted that the date of December, 2004 is not intended to serve as the completion date, but rather an expiration date for consultant services.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO DIRECT THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MIG AS AMENDED FOR PROFESSIONAL MEDIATION SERVICES SUBJECT TO CITY ATTORNEY REVIEW

AYES: Mitchell, Rauch, Seamans, Zuckerman

ABSENT: Addleman

B. ANTI-GANG ORDINANCE

Recommendation: That the city Council: 1) Open the public hearing; 2) Take public testimony; 3) Close the public hearing; and 4) Introduce Ordinance No. 626 for first reading.

Administrative Analyst Grammer provided a staff report (as per agenda material).

In response to COUNCILWOMAN SEAMANS' inquiry, Administrative Analyst Grammer noted this section would be added to existing provisions of the Municipal Code.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERNMAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

No public testimony was offered.

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

1. ORDINANCE NO. 626 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES ADDING CHAPTER 9.06 OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE ROLLING HILLS ESTATES MUNICIPAL CODE RELATING TO LOITERING BY CRIMINAL STREET GANGS.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO INTRODUCE ORDINANCE NO. 626 FOR FIRST READING.

Acting City Manager Wise read Ordinance No. 626 by title only.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

C. CMP CONFORMANCE SELF-CERTIFICATION

Recommendation: That the City Council: 1) Open the public hearing; 2) Receive any public testimony; 3) Close the public hearing; and 4) Adopt Resolution No. 2030 and the 2003 CMP Local Implementation

Report.

Administrative Analyst Grammer provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

No public testimony was offered.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

1. RESOLUTION NO. 2030 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL IMPLEMENTATION REPORT IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT RESOLUTION NO. 2030.

Acting City Manager Wise read Resolution No. 2030 by title only.

AYES: Mitchell, Rauch, Seamans, Zuckerman

ABSENT: Addleman

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF AUGUST 4, 2003

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF AUGUST 4, 2003.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF AUGUST 5, 2003

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF AUGUST 5, 2003.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

ADJOURNED TO THE PEPPER TREE FOUNDATION CORPORATION MEETING AT 10:35 P.M.

1. HOWLETT PARK COURT RESURFACING BID RESULTS

Recommendation: That the Pepper Tree Foundation Board of Directors approve True-Line Surfacing's bids to resurface eight tennis court and one basketball court in Ernie Howlett Park for a total cost of \$22,450.

Community Services Director Clark provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO APPROVE TRUE-LINE SURFACING'S BIDS TO RESURFACE EIGHT TENNIS COURTS AND ONE BASKETBALL COURT IN ERNIE HOWLETT PARK FOR A TOTAL COST OF \$22,450.

AYES: Mitchell, Rauch, Seamans, Zuckerman

ABSENT: Addleman

RECONVENED CITY COUNCIL MEETING AT 9:38 P.M.

2. PARK AND ACTIVITIES COMMISSION ITEM FROM MEETING OF AUGUST 5, 2003 – GUIDELINES REGARDING ORGANIZATIONS' ACTIVITIES WHILE PARTICIPATING AT THE CITY'S PUBLIC EVENTS

Recommendation: That the City Council consider drafting a policy or guidelines regarding organizations' activities while participating at the City's public events in compliance with existing law.

Community Services Director Clark provided a staff report (as per agenda material).

MAYOR PRO TEM MITCHELL moved, seconded by

TO REFER THIS ITEM TO THE CITY ATTORNEY AND REPORT BACK TO COUNCIL.

This motion died for lack of a second.

COUNCILMAN ZUCKERMAN noted that community groups should be given an opportunity to meet with the public to engage in issues of community interest. In regards to the Empty Saddle Club, he suggested this item be referred to the City Attorney since it is on private property.

After brief discussion, it was the consensus of the COUNCIL

TO DIRECT STAFF TO CONTINUE THE PRESENT POLICY AS IS AND REFER THIS ITEM TO THE CITY ATTORNEY FOR REVIEW.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

C. FINAL BUDGET AMENDMENT FOR FISCAL YEAR 2002-03

Recommendation: That the City Council approve Budget Amendment No. 3 to increase revenues for all funds for Fiscal Year 2002-03 by a total of \$117,846 and to increase appropriations in the operating and capital projects accounts for all funds for Fiscal Year 2002-03 by a total of \$73,400.

Finance Director Norrell provided a staff report (as per agenda material). Additionally, he cautioned the COUNCIL to consider the impact any future decisions might have on the operating surplus.

MAYOR PRO TEM MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE BUDGET AMENDMENT NO. 3 TO INCREASE REVENUES FOR ALL FUNDS FOR FISCAL YEAR 2002-03 BY A TOTAL OF \$117,846 AND TO INCREASE APPROPRIATIONS IN THE OPERATING AND CAPITAL PROJECTS ACCOUNTS FOR ALL FUNDS FOR FISCAL YEAR 2002-03 BY A TOTAL OF \$73,400.

AYES: Mitchell, Rauch, Seamans, Zuckerman

ABSENT: Addleman

D. STREET RESURFACING PROJECT AUTHORIZATION TO SOLICIT BIDS

Recommendation: That the City Council authorize the solicitation of bids for the Fiscal Year 2003-04 Street Resurfacing Project.

Acting City Manager Wise provided a staff report (as per agenda material).

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM MITCHELL

TO AUTHORIZE THE SOLICITATION OF BIDS FOR THE FISCAL YEAR 2003-04 STREET RESURFACING PROJECT.

THERE BEING NO OBJECTION, MAYOR RAUCH SO ORDERED.

OLD BUSINESS

NONE

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendaized.

A. COUNCILWOMAN SEAMANS reported that she attended a meeting comprise of representatives from BMC Landscaping, V2C Group and staff to discuss the replacement and maintenance of plants in the median noses on Silver Spur Road. She noted it was agreed that BMC would provide additional soil where the trees are located, as well returning the lilies to their previous condition. In regards to irrigation, V2C suggested it would be a good idea to have a plan in place where it is agreed to, and modify if necessary, the water levels and sprinklers.

B. COUNCILWOMAN SEAMANS reported that she attended, along with MAYOR PRO TEM MITCHELL, the PV Transit meeting which included the following discussions regarding possible elimination of Routes 225 and 226 and Requests for Proposals being sent out for fixed route service.

C. COUNCILWOMAN SEAMANS reported on conference calls she had with the League of California Cities' California State Association of Counties (CSAC) regarding distribution of Community Development Block Grant (CDBG) funds. Additionally, she indicated that a Housing Opportunity Task Force has been established to address issues with Housing Community and Development as they seem to have an aversion to local governments.

D. COUNCILMAN ZUCKERMAN reported he attended the League of California Cities meeting on August

7 and that the slate of nominees was elected.

E. MAYOR PRO TEM MITCHELL reported on the Equestrian Committee meeting that was held at the Chandler Preserve and took a tour of the trails at the Palos Verdes Peninsula Land Conservancy's request.

F. MAYOR PRO TEM MITCHELL reported she attended the Hills are Alive Cross Country Run and was gratified at the large turnout.

G. MAYOR RAUCH requested COUNCIL input to set up Equestrian Committee applicant interviews to the Boarder Representative vacancy. After brief discussion, it was the consensus of the COUNCIL to decide on a date and time when all five members are in attendance.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

A. INTERSECTION OF HAWTHORNE BOULEVARD/SILVER SPUR ROAD

Recommendation: That the City Council receive and file this report.

Acting City Manager Wise provided a staff report (as per agenda material).

After brief discussion, it was the consensus of the COUNCIL

TO RECEIVE AND FILE THIS REPORT.

Acting City Manager Wise indicated that Mr. Andrews was sent a letter and staff report as well.

B. MAYOR RAUCH reported that Vector Control is working overtime in an attempt to eradicate the West Nile Virus.

C. COUNCILMAN ZUCKERMAN informed the COUNCIL that he was saddened to hear of the passing of Peninsula High School History Teacher Roberta Kordich. He stated that he would like to adjourn in her memory. Additionally, he indicated that there is a scholarship fund in her name, and if anyone wishes to participate, contact Peninsula High School.

ADJOURNMENT IN MEMORY OF PENINSULA HIGH SCHOOL HISTORY TEACHER ROBERTA KORDICH

At 11:25 p.m., MAYOR RAUCH formally adjourned the City Council meeting to August 26, 2003 at 7:30 p.m. in the City Hall Council Chambers.

Submitted by, Approved by,

Hope J. Nolan Samuel R. Wise

Deputy City Clerk Acting City Manager